

AUG. 21, 2003 1:16PM

356 792-6773 FOLEY AND LARDNER

NO. 3366 P.

**FOLEY & LARDNER**

ATTORNEYS AT LAW

11260 EL CAMINO REAL, SUITE 200  
 SAN DIEGO, CA 92130  
 P.O. BOX 80278  
 SAN DIEGO, CALIFORNIA 92138-0278  
 TELEPHONE: 858.847.6700  
 FACSIMILE: 858.792.6773  
 WWW.FOLEYLARDNER.COM

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TO:	PHONE #:	FAX #:
Albert Mark Navarro, Examiner, Art Unit No. 1645 U.S. Patent and Trademark Office	(703) 308-0198	(703) 872-9307

<b>From :</b> Stacy L. Taylor
<b>Email Address :</b> staylor@foleylaw.com
<b>Sender's Direct Dial :</b> 858.847.6720
<b>Date :</b> August 21, 2003
<b>Client/Matter No :</b> 041673-2048
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**MESSAGE:**

Applicant: Corbeil, et al.  
 Title: VACCINE BASED ON  
 08/29/2003 10:00 AM 00000001 500872 ATTENUATED HAEMOPHILUS  
 01 50:1653 330.00 DP SOMNUS  
 Appl. No.: 09/787,964  
 Filing Date: 09/25/1999  
 Examiner: Albert Mark Navarro  
 Art Unit: 1645

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Atty. Dkt. No. 041673-2048

- Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$930.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
		EXTENSION FEE TOTAL:	\$930.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
		CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$930.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$465.00
		TOTAL FEE:	\$465.00

- Please charge Deposit Account No. 50-0872 in the amount of \$465.00. A duplicate copy of this transmittal is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By Stacy L Taylor

Date 8-21-03  
 FOLEY & LARDNER  
 P.O. Box 80278  
 San Diego, California 92138-0278  
 Telephone: (858) 847-6720  
 Facsimile: (858) 792-6773

Stacy L. Taylor  
 Attorney for Applicant  
 Registration No. 34,842

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone 703-365-2700 • FAX: 703-

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

UCSD Medical Center  
 Attn: Lynette B. Corbeil, D.V.M., Ph.D.  
 Dept. of Pathology, 200 Wear Arbor Drive  
 San Diego, CA 92103-8416

Deposited on Behalf of: The Regents of the University of California

## Identification Reference by Depositor:

## Patent Deposit Designation

<i>Haemophilus somnus</i> 1P	PTA-600
<i>Haemophilus somnus</i> 129 Pt	PTA-601
<i>Haemophilus somnus</i> 130 Pt	PTA-602
<i>Haemophilus somnus</i> 133P	PTA-603

The deposits were accompanied by:  a scientific description  a proposed taxonomic description indicated above. The deposits were received September 1, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:  We will not inform you of requests for the strains.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's rights to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested September 7, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

*Barbara M. Hailey*  
 Barbara M. Hailey, Administrator, Patent Depository

Date: September 8, 1999

cc: Barry Wilson (Ref. Policy: #041673-2036 (UCSD: #SD98-086)

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